

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

Remarks/Arguments:

Claims 68-83, 86, 106, and 108-111 are pending. Claims 68-83, 86, and 106 were previously presented, and claims 108-111 are presented hereby.

Claims 84, 85, 87-105, and 107 are canceled hereby, without prejudice or disclaimer, claims 87-105, and 107 being canceled pursuant to restriction under 35 USC 121.

Newly presented claims 108-111 contain the subject matter of claims 84 and 85. Claims 108 and 110 represent the subject matter of claim 84. Each of newly presented claims 109 and 111, which are dependent on claims 108 and 110, respectively, corresponds to and, so, replaces claim 85.

Claims 68-83, 85, 86, 106, and 108 stand allowed.

Each of present, dependent claims 109 and 111 contains the limitations of allowed, dependent claim 85. Accordingly, claims 109 and 111 are allowable.

Claim 84 was found allowable if the claimed subject matter were divided into two claims, i.e., in order to overcome the rejection of the claim under 35 USC 112, ¶2. Since the subject matter of claim 84 is divided and, so, represented in newly presented (replacement) claims 108 and 110, claims 108 and 109 are allowable, according to the Office Action; and, the rejection under §112, ¶2, is, accordingly, overcome.

Applicants wish to thank the Examiner for the timely indication of allowable subject matter.

The Office Action requires an explanation for Applicants maintaining that June 27, 1994, is the effective date for purposes of prior art of *Proc. Natl. Acad. Sci. USA*, 91, 5740-5747, 1994 (Eigen). Eigen was relied on to previously reject the claims under 35 USC 102(a).

June 27, 1994, is the effective date of Eigen for purposes of prior art, *of record*. This was established in connection with the Amendment filed March 16, 1999. Submitted with the Amendment (as an attachment) was a copy of the cover page of the issue of the periodical (i.e., *Proc. Natl. Acad. Sci. USA*), located in the library of the PTO, that included the Eigen reference. The cover page carries the date stamp "JUN 27 1994." For the Examiner's convenience, a copy of the previously submitted cover page is attached, hereto.

Corrected, replacement drawings are submitted, herewith, as required in the Office Action.

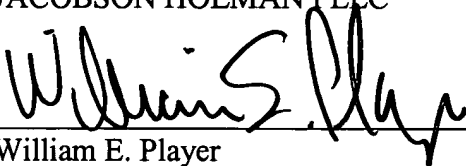
All issues of record being resolved, hereby, the subject application appears to be in form for allowance.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:



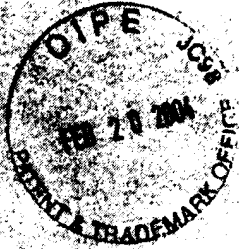
William E. Player

Reg. No.: 31,409

The Jenifer Building
400 Seventh Street, N.W.
Suite 600
Washington, D.C. 20004
Tel. (202) 638-6666
Fax (202) 393-5350
Date: February 20, 2004
WEP/bap

Attachments: Replacement sheets for Figs. 1, 2, 4, and 5
Copy of *Proc. Natl. Acad. Sci. USA* cover page

C:\P60752US0 amd2.wpd



JUNE 21, 1994

VOLUME 91

NUMBER 13



Proceedings

OF THE

National Academy
of Sciences

OF THE UNITED STATES OF AMERICA

SCIENTIFIC & TECHNICAL
INFORMATION CENTER

JUN 27 1994

PATENT & TRADEMARK OFFICE

Q11. N26